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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures. (U39M)

Application 10-03-014 (Filed March 22, 2010)

DECISION GRANTING COMPENSATION TO THE VOTE SOLAR INITIATIVE FOR SUBSTANTIAL CONTRIBUTION TO D.12-03-056

Claimant: The Vote Solar Initiative	For contribution to Decision 12-03-056
Claimed (\$): \$10,335.75	Awarded (\$): \$10,358
Assigned Commissioner: Michael R. Peevey	Assigned Administrative Law Judge: Thomas R. Pulsifer

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Decision (D.) 12-03-056 denies the application for rehearing of
_	D.11-05-047 filed by Pacific Gas & Electric Company (PG&E),
	Southern California Edison Company (SCE) and Kern County
	Taxpayers Association (together the "Joint Applicants").
	Administrative Law Judge (ALJ) Pulsifer issued a ruling denying
	San Diego Gas & Electric Company's (SDG&E) Motion to
	Intervene and Participate as a Party that is directly related to
	D.12-03-056.

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to cl	aim compensation (NOI)	(§ 1804(a)):
1. Date of Prehearing Conference (PHC):	May 19, 2010	Correct
2. Other Specified Date for Notice of Intent (NOI):		
3. Date NOI Filed:	June 18, 2010	Correct
4. Was the NOI timely filed?	Yes	

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Showing of customer or customer-related status (§ 1802(b)):				
5. Based on ALJ ruling issued in proceeding number:	Application (A.) 10-03-014	Correct		
6. Date of ALJ ruling:	November 30, 2010	Correct		
7. Based on another Commission determination (specify):	Rulemaking (R.) 10-05-006 (March 3, 2011); A.10-11-015 (June 3, 2011); D.12-04-042 (Issued April 27, 2012).	Correct		
8. Has the Claimant demonstrated customer or custome	Yes			
Showing of "significant fina	ncial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.10-03-014	Correct		
10. Date of ALJ ruling:	November 30, 2010	Correct		
11. Based on another Commission determination (specify):	R.10-05-006 (March 3, 2011); A.10-11-015 (June 3, 2011).	Correct		
12. Has the Claimant demonstrated significant financial	hardship?	Yes		
Timely request for compensation (§ 1804(c)):				
13. Identify Final Decision:	D.12-03-056	Correct		
14. Date of Issuance of Final Order or Decision:	March 23, 2012	Correct		
15. File date of compensation request:	May 16, 2012	Correct		
16. Was the request for compensation timely?	Yes			

C. Claimants Additional Comments on Part I:

#	Claimant	CPUC	Comment
5	Vote Solar	Verified	The Commission has previously found that Vote Solar is eligible for intervenor compensation in this proceeding, awarding Vote Solar for its
	Solai		substantial contribution to D.11-05-047. (See D.12-04-042.)

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's claimed contribution to the final decision:

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
On July 18, 2011, Vote Solar submitted two filings that substantially contribute to D.12-03-056:		Yes
I. Vote Solar submitted its <u>Opposition to</u> <u>SDG&E's Motion to Intervene and</u> <u>Participate as a Party</u> ; and		
II. Vote Solar Submitted its Response to Joint Applicants' application for rehearing.		
I. Opposition to SDG&E's Motion to Intervene and Participate as a Party.		Yes
Vote Solar successfully opposed SDG&E's Motion to Intervene and Participate as a Party in A.10-03-014 as untimely and contrary to Commission precedent and statute.		
Vote Solar's opposition focused on Commission precedent rejecting similar attempts to intervene for purposes of filing an application for rehearing on the basis of CA Pub. Util. Code § 1731.	Vote Solar Opposition at 1.	
Vote Solar also opposed SDG&E's intervention on procedural grounds, stating that "late intervention cuts against fundamental fairness" to those parties responsible for developing the record in this docket.		
The ALJ's July 28, 2011 Ruling Denying Motion to Intervene (Ruling) cited Section 1731 as prohibiting an entity that has not been a party to a proceeding from filing an application for rehearing and stated that, on procedural grounds, "[a]n entity may not be permitted to circumvent this legal requirement by asking the	ALJ Pulsifer's July 28, 2011 Ruling at 2; D.12-03-056 at 3 (recounting the procedural history of the application for rehearing).	

Commission to let it become a party solely to file an application for rehearing."		
II. Response to Joint Applicants' application for rehearing.		Yes
The Joint Applicants' application for rehearing sought to reverse the Commission's finding that PG&E's proposed customer charge was prohibited because it would violate limits on allowable rate increases codified in Section 739.9 of the Pub. Util. Code. Vote Solar, The Utility Reform Network (TURN) and Division of Ratepayer Advocates (DRA) opposed the application for rehearing.		
Vote Solar's Response opposed the Joint Applicants' application for rehearing on four primary grounds: (1) D.11-05-047 did not err in finding ambiguity in the meaning of rates in Section 739.9(a); (2) D.11-05-047 correctly interpreted the legislative intent of Senate Bill (SB) 695 to protect lower tier consumers from rate spikes; (3) inclusion of customer charges in baseline "rates" is consistent with Commission precedent; and (4) the application for rehearing improperly sought a change in Commission policy outside of the proper scope of an application for rehearing to identify legal error.		
The Commission's denial of the application for rehearing is substantially aligned with the arguments that Vote Solar raised in its response, indicating that Vote Solar has substantially contributed to D.12-03-056.		
Vote Solar Ground #1		
Vote Solar's Response supports the Commission's finding that the meaning of "rates" in Section 739.9 is ambiguous and rules of statutory construction warrant looking to legislative intent of SB 695.	Vote Solar Response at 5-7.	

Vote Solar emphasized how the several credible interpretations put forward in the course of the proceeding underscored the Commission's finding of ambiguity. Commission Decision on Vote Solar Ground #1 D.12-03-056 similarly held that "because of the ambiguity concerning the language at issue, resorting to the legislative history became necessary. (D.11-05-047 at 25.) The joint applicants for rehearing have failed to establish the decision erred in determining that review of the legislative history was, under these circumstances, necessary, or that we committed error in	D.12-03-056 at 11.	
reviewing the legislative history of the statutory language at issue."		
Vote Solar Ground # 2 Vote Solar's Response to the Application supports the Commission's finding that its interpretation of Section 739.9 is consistent with the legislative intent of SB 695. Vote Solar's Response explains that the Joint Application's reasoning that SB 695 was intended to protect upper-tier consumption from volatility by shifting the burden to customers consuming less than 130% of baseline is illogical and "strains credulity." (Vote Solar Response	Vote Solar Response at 7.	Yes
at 7.) Commission Decision on Vote Solar Ground #2 D.12-03-056 rejects this argument by the Joint Applicants as a "strained interpretation of the statutory language" and "agree[s] with the responses to the joint application for rehearing" that such an interpretation contravenes legislative intent.	D.12-03-056 at 11.	
Vote Solar Ground # 3 Vote Solar's Response supports the		Yes

Vote Solar Response at 4.	
D.12-03-056 at 14.	
Vote Solar Response at 8-11.	
D.12-03-056 at 3.	D.12-03-056 at 14.
	D.12-03-056 at 14. Vote Solar Response at 8-11.

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

		Claimant	CPUC Verified
a.	Was the DRA a party to the proceeding?	Yes	Yes
b.	Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c.	If so, provide name of other parties:	Verified	
	The following parties filed an application for rehearing of D.11-05-		
	PG&E, SCE, and Kern County Taxpayers Association (KernTax) ("Joint Applicants").*	collectively	
	SDG&E filed a motion to intervene and originally filed jointly with SCE, and KernTax on the application for rehearing denied by D.12 Vote Solar, DRA and TURN opposed SDG&E's motion to interver separately filed responses.]	-03-056.	
	The following parties filed responses in opposition to the application rehearing:	on for	
	DRA, TURN, and The Vote Solar Initiative.		
	The following parties to A.10-03-014 did not participate on issues in D.12-03-056:		
	Direct Access Customer Coalition; California Manufacturers & Tec Association; County of Kern; City of Hercules; Lamont PU District Management LLC; Lamont Cost Management LLC; Alliance for R Markets; City and County of San Francisco; Energy Producers & U Coalition; The Solar Alliance; Disability Rights Advocates; Marin Authority; Women's Energy Matters; Sierra Club California; Merco District; Modesto Irrigation District; Agricultural Energy Consume Association; California Farm Bureau Federation; California City-C Light Association; Federal Executive Agencies; California Large E Consumers Association; Western Manufactured Housing Association Joaquin Irrigation District; Town of Fairfax; The Alliance for Hum Environmental Health; Energy Users Forum; California League of Processors.		
d.	Describe how you coordinated with DRA and other parties to avoid the how your participation supplemented, complemented, or contributed another party: Separate responses to the Joint Applicants' application were appropartly. TURN, DRA and Vote Solar. Each of these parties' interests and participation of efforts. Vote Solar was away would be the only party advocating for the interests of solar custom response to the application for rehearing. Accordingly, Vote Solar's	Vote Solar's participation was not duplicative of the arguments and evidence presented by other active parties. We make no	

participation supplemented the interests represented by TURN and DRA, giving the Commission a perspective of the breadth of opposition to the Joint Applicants' application for rehearing.

reduction here for duplication of effort.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

Claimant's explanation of how its participation bore a reasonable relationship with benefits realized through its participation. (include references to record, where appropriate)	CPUC Verified
The Commission found in D.12-04-042 that Vote Solar's participation in A.10-03-014 on the Tier Consolidation and Customer Charge issue bore a reasonable relation to the expense of participation. As in that previous request, the benefits of Vote Solar's participation would far outweigh the costs of participation given the large number of solar customers in PG&E's territory, and the limited costs of providing legal services to oppose SDG&E's intervention and to respond to the Joint Applicants' application for rehearing.	Verified
Vote Solar's continued participation to oppose SDG&E's intervention and the Joint Applicants' application for rehearing helped ensure that the achievements of Vote Solar's substantial contribution to D.11-05-047 would not be reversed, and the interest of existing and future solar customers would not be negatively impacted by imposition of a customer charge. The customer charge issue is important to the residential solar market because imposition of a customer charge diminishes the upper-tier rate, weakening the price signal that incentivizes customers to invest in solar energy systems. (<i>See</i> D.11-05-047, Finding of Fact # 13 at 79.) The proposed monthly customer charge represents a negative financial impact for solar customers, who would lose an estimated \$0.02/kWh of value for system production that offsets upper tier consumption. Given the large number of residential solar customers in PG&E's territory, this impact greatly exceeds the cost of Vote Solar's participation in D.12-03-056. (<i>See</i> D.12-04-042 at 6-7.) Vote Solar's legal expenses in researching and drafting its response to the Joint Applicants' application for rehearing totaled \$8,562.50.	
Additionally, Vote Solar's work to oppose SDG&E's intervention is warranted and bears a reasonable relation to the expense. Vote Solar's opposition to SDG&E's intervention cost \$925.00. Vote Solar's expense is reasonable in relation to this valid strategic objective.	
b. Reasonableness of Hours Claimed.	Verified
Vote Solar's hours are reasonable and represent efficient work in conducting legal research and preparing both the Opposition to SDG&E's Motion to Intervene and Participate as a Party and the Joint Applicants' application for rehearing. Vote Solar minimized the expense of its participation in this docket by delegating the majority of work to the attorney with the lowest hourly rate, Mr. Culley. Mr. Culley performed much of the associated legal research and drafting tasks,	

which was supervised by Mr. Fox.	
c. Allocation of Hours by Issue	Verified
Opposition to SDG&E's Motion to Intervene and Participate as a Party-Vote Solar's opposition to SDG&E's late intervention was a procedural issue directly related to the Joint Applicants' application for rehearing. Mr. Culley spent 5 hours in total, researching, drafting and revising Vote Solar's Opposition to SDG&E's motion.	
Response to application for rehearing— The application for rehearing focused solely on the legality of D.11-05-047 on one issue: the denial of a customer charge based on the Commission's interpretation that the term "rates" in § 739.9 included customer charges and, thus, precluded PG&E's proposed charge because it would violate statutory limits on rate increases. Vote Solar has treated PG&E's customer charge as a single issue throughout this proceeding and time devoted to researching and drafting its response to the application for rehearing is rightfully assigned to this issue.	
Mr. Culley spent a total 24.1 hours researching, drafting and revising Vote Solar's Response to the Joint Applicants' application for rehearing. Mr. Fox spent a total of 14.4 hours researching, reviewing and editing Vote	
Solar's Response to the Joint Applicants' application for rehearing.	

B. Specific Claim:*

CLAIMED						CPUC Aw	ARD		
	ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$	
Kevin T. Fox	2011	14.4	\$285/hr	Res. ALJ-267; \$4104.00 14.4 \$285 D.12-04-042		\$4,104			
Thadeus B. Culley	2011	29.1	\$185/hr	Res. ALJ-267; D.12-04-042	\$5383.50	29.1 \$185		\$5,383.50	
				Subtotal:	\$9487.50		Subtotal:	\$9,487.50	
	•			OTHER FEE	S		·		
Des	scribe he	re what (OTHER HO	OURLY FEES you a	re Claiming	(paralega	ıl, travel **, e	tc.):	
Item	Year	Hours	Rate	Basis for Rate*	Total \$	\$ Hours Rate Total \$			
N/A									
	Subtotal: Subtotal:								

	INTERVENOR COMPENSATION CLAIM PREPARATION **									
	Item	Year	Hours	Rate	Basis for Rat	e*	Total \$	Hours Rate		Total \$
Kevi	n T. Fox	2012	0.5	\$142.5/hr 50% of 2011 rate		I	\$71.25	0.5	\$145	\$72.50
Thac Culle	leus B.	2012	8.4	\$92.5/hr	\$92.5/hr 50% of 2011 \$777.00 rate		8.4	\$95	\$798	
				Subto			\$848.25		Subtotal:	\$870.50
					COST	S				
#	Ite	em	Detail				Amount	An	nount	
	Subtotal:						Subtotal:			
	TOTAL REQUEST \$:			-	\$10,335.75	TOTAL	AWARD \$:	\$10,358		

^{*}We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

C. CPUC Disallowances & Adjustments:

#	Reason
1. Increase in	Vote Solar's increased award amount is due to the Commission approved Cost-of-
2012 hourly	Living Adjustment [COLA] adopted by Resolution ALJ-281. Abiding by the
rates for	Resolution, Mr. Fox's and Mr. Culley's 2012 hourly rates have been raised to reflect
Intervenor	the 2.2% COLA for intervenor hourly rates.
Compensation	·
Claim	
Preparation.	

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes

^{**}Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.

FINDINGS OF FACT

- 1. The Vote Solar Initiative has made a substantial contribution to Decision 12-03-056.
- 2. The claimed fees and costs are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The total of reasonable contribution is \$10,358.

CONCLUSION OF LAW

The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

- 1. The Vote Solar Initiative is awarded \$10,358.
- 2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay The Voter Solar Initiative the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 30, 2012, the 75th day after filing of the claimant's request, and continuing until full payment is made.
- 3. The comment period for today's decision is waived.
- 4. This proceeding is closed.

This decision is	effective today.
Dated	. at San Francisco, California

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1203056		
Proceeding(s):	A1003014		
Author:	ALJ Pulsifer		
Payer(s):	Pacific Gas and Electric Company		

Intervenor Information

Intervenor	Claim	Amount	Amount	Multiplier?	Reason
	Date	Requested	Awarded		Change/Disallowance
The Vote Solar Initiative	5/16/12	\$10,335.75	\$10,358	No	2.2% COLA established in Res. ALJ-281

Advocate Information

First Name	Last Name	Туре	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Kevin	Fox	Attorney	Vote Solar	\$285	2011	\$285
Kevin	Fox	Attorney	Vote Solar	\$285	2012	\$290
Thadeus	Culley	Attorney	Vote Solar	\$185	2011	\$185
Thadeus	Culley	Attorney	Vote Solar	\$185	2012	\$190

(END OF APPENDIX)